

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HIKMAT S. JARBOU and
JANAN J. JARBOU,

Plaintiffs,

Case No. 11-11272

v.

Hon. John Corbett O'Meara

WASHINGTON MUTUAL BANK,

Defendant.

**ORDER DENYING MOTIONS FOR PRELIMINARY
INJUNCTION AND DEFAULT JUDGMENT**

Before the court are Plaintiffs' motions for preliminary injunction and default judgment, filed October 3, 2011. Plaintiffs filed their pro se complaint on March 29, 2011, alleging Truth in Lending Act violations, among others. Plaintiffs filed a return of service alleging that Defendant was served via first class mail on March 30, 2011. Defendant did not file an answer. Plaintiffs requested a clerk's entry of default, which was entered on July 1, 2011. Counsel for Plaintiffs filed an appearance on October 3, 2011, along with the pending motions.

The court will deny Plaintiffs' motions because the record does not show that Plaintiffs properly served Defendant. In Michigan, service of process via first class mail is not valid. See Fed. R. Civ. P. 4 (e), (h); M.C.R. 2.105(D); Bullington v. Corbell, __ N.W.2d __, 2011 WL 3587384 (Mich. App. Aug. 16, 2011). This court lacks jurisdiction over Defendant until it is properly served with process. Therefore, Plaintiffs' motions are DENIED.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: October 4, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 4, 2011, using the ECF system.

s/William Barkholz
Case Manager